

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: CASE NO. 17-50236
DEBTOR CHAPTER 7
LOUIS ANTHONY TELERICO JUDGE ALAN M. KOSCHIK

**TRUSTEE'S MOTION FOR
TURNOVER OF FUNDS**

Now comes the Trustee, Kathryn A. Belfance ("Trustee"), and pursuant to 11 U.S.C. §§ 541 and 542, respectfully moves the Court for an Order requiring JP Morgan Chase Bank ("Chase"), to turnover to the Trustee all funds held on deposit for and on behalf of Louis Anthony Telerico and/or the Louis A. Telerico Trust held in checking account ending in x6766. In support of this Motion, the Trustee states the following:

1. On February 5, 2017, Debtor filed his bankruptcy petition with this Court under Chapter 11 of the United States Bankruptcy Code. Said case was converted to a Chapter 7 on April 18, 2019.
2. Kathryn A. Belfance is the duly appointed Chapter 7 Trustee of the within bankruptcy estate.
3. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §157 and §1334 and General Order No. 7 entered in this District on April 4, 2012. Venue is proper pursuant to 28 U.S.C. §1408 and/or §1409. This is a core proceeding pursuant to 28 U.S.C. §157(b)(2).
4. According to 11 U.S.C. §541, property of the estate includes "...all legal or equitable interests of the debtor in property as of the commencement of the case..."¹

¹ 11 U.S.C. §541(a)(1).

5. The Trustee has determined that there are funds in the Debtor's Chase account ending in x6766 which are property of the bankruptcy estate.
6. On December 1, 2020 the Trustee sent a letter to Chase via certified U.S. Mail directing them to turnover to the bankruptcy estate all funds held in the account ending in x6766. That certified letter was received and signed for on December 8, 2020. The Trustee received no response to that letter. On January 14, 2021 the Trustee send a second letter via certified U.S. Mail to Chase. That certified letter was received and signed for on January 19, 2021.
7. To date, neither the Debtor nor Chase have turned over the requested funds.

WHEREFORE, Trustee prays the Court for an Order directing and requiring Chase to turn over the funds held in the account ending in x6766 to the Trustee, without a hearing, pursuant to Title 11 U.S.C. §102(1)(b)(i), unless a hearing is requested by the debtor or party in interest within **twenty-one (21) days** after notice hereof, and for such other and further relief that the Court deems proper.

Respectfully submitted,

/s/ KATHRYN A. BELFANCE
KATHRYN A. BELFANCE
Registration No. 0018035
Chapter 7 Trustee
50 S. Main Street, 10th Floor
Akron, Ohio 44308
(330) 434-3000 (Phone)
(330) 434-9220 (Fax)
kb@rbllp.com

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of March 2021, a copy of the foregoing

Motion for Turnover was served as follows:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Office of the U.S. Trustee

Susan J. Lax, at susan.lax@hotmail.com

Frederic P. Schwieg, at fschwieg@schwieglaw.com

Todd A. Atkinson, at tatkinson@ulmer.com

Philip Leonard Bednar, at philip.l.bednar@usdoj.gov

Bryan J. Farkas, at bjfarkas@vorys.com

Scott D. Fink, at ecfndoh@weltman.com

Stephen R. Franks, at amps@manleydeas.com

Bryan T. Kostura, at bkostura@mcglinchey.com

Allison Manayan, at amanayan@portageco.com

Michael J. Occhionero, at mjocolpa@sbcglobal.net

James W. Sandy, at jsandy@mcglinchey.com

Richard P. Schroeter, at rschroeter@amer-collect.com

David J. Sternberg, at djsternberg@ameritech.net

Joshua Ryan Vaughan, at jvaughan@amer-collect.com

Steven L. Wasserman, at swasserman@westonhurd.com

Maria D. Giannirakis, ust06 maria.d.giannirakis@usdoj.gov

Scott R. Belhorn, ust35 Scott.R.Belhorn@usdoj.gov

Kathryn A. Belfance, Trustee, at kb@rlblp.com

By regular U.S. mail, postage prepaid, on:

Louis Anthony Telerico, Debtor, P.O. Box 928, Aurora, OH 44202

Also served at 545 Bristol Dr., Aurora, OH 44202

Christopher J. Niekamp, 23 S. Main Street, Akron, OH 44308

Adam M. Meehan, 320 W. Towsontown Blvd., Suite 1 East, Baltimore, MD 21286

And by Certified U.S. Mail, postage prepaid, on:

JPMorgan Chase Bank, N.A., c/o its Statutory Agent, CT Corporation System, 4400 Easton Commons Way, Suite 125, Columbus, OH 43219

/s/ KATHRYN A. BELFANCE

KATHRYN A. BELFANCE

Chapter 7 Trustee

NOTICE OF TRUSTEE'S MOTION FOR TURNOVER

The Trustee has filed papers with the Court for turnover of estate property.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to order the turnover of estate property, or if you want the Court to consider your views on the matter, then on or before **twenty (21) days** after service is filed, or such other time fixed by the Federal Rules of Bankruptcy Procedure or statute or as the Court may order, serve a response or request for hearing. If no response or request for hearing is timely filed with the Court and served upon counsel for the movant, the Court may grant the relief requested in the motion without a hearing.

If you do not want the Court to grant the order for turnover without holding a hearing, or if you want the Court to consider your views on the motion, then on or before **March 25, 2021** you or your attorney must:

File with the Court a written objection or response to:

**Clerk, United States Bankruptcy Court
455 Federal Bldg.
2 South Main St.
Akron, Ohio 44308**

If you mail your Objection to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above.

You must also mail a copy to:

**Kathryn A. Belfance, Esq.
Roderick Linton Belfance LLP
50 S. Main Street, 10th Floor
Akron, Ohio 44308**

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief without holding a hearing.

Date: March 4, 2021

Signature: /s/ Kathryn A. Belfance
Name: Kathryn A. Belfance, Esq.
Chapter 7 Trustee